

FORTY-FIRST DAY

(Continued)

(Tuesday, March 29, 1949)

After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by Senator Weinert.

Leave of Absence Granted

Senator Moore was granted leave of absence for today on account of illness in his family on motion of Senator Corbin.

Senate Bill 72 on Second Reading

The presiding officer laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act to amend Article 2326, R. C. S., 1925, as amended by Acts 1945, 49th Legislature, Page 460, fixing the salaries of official shorthand reporters of Civil and Criminal District Courts and County Courts at Law, Civil and Criminal, to provide that such reporters shall receive a salary of not less than Three Thousand nor more than Four Thousand Eight Hundred Dollars per annum, payable in monthly installments in addition to transcript fees and traveling and hotel expenses now provided by law; authorizing the Judges of the respective Courts to fix the salaries within the limits provided herein; providing that this amendment shall not repeal Acts 1945, 49th Legislature, Page 430, Chapter 272, nor Acts 1947, 50th Legislature, Page 256, Chapter 151; and declaring an emergency."

The bill was read second time and was passed to engrossment.

(President in the Chair)

Senate Bill 72 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Bullock
Ashley	Carney
Bell	Colson

Corbin	Moffett
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Lane	Tynan
Lock	Vick
Martin	Weinert
McDonald	

Absent

Bracewell	Kelly of Tarrant
Hudson	

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

Nays—1

Aikin

Absent

Bracewell	Kelly of Tarrant
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Absent—Excused

Moore**Senate Resolution 98**

Senator Harris offered the following resolution:

Be It Resolved, By the Senate of Texas, that at such times as the Senate may direct there shall be prepared local and uncontested calendars, which calendars shall be prepared by a committee of three appointed by the Lieutenant Governor.

No bills or resolutions shall be

placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three members present object to such consideration.

The calendar shall be placed on the desk of the members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

The committee shall not consider any bills unless a printed copy of such bill or the bill itself is presented to the committee.

The resolution was read and was adopted.

Senate Resolution 99

Senator Phillips offered the following resolution:

Whereas, On February 28, 1949, R. J. (Buck) Flanagan retired from service with the Texas Prison System after thirty-nine years of loyal service to the State of Texas; and

Whereas, Captain Flanagan's friends are not limited to those who have served time at this farm but include most members of the Texas Legislature during the last thirty years and the ten Governors of the State since he took charge at the Central Farm in 1919; and

Whereas, Many Governors and Members of the Legislature have enjoyed the hospitality of Captain Flanagan and his lovely wife during their business trips to the Penitentiary; and

Whereas, Captain Flanagan, during his service with the Texas Prison System, has never had a mark against his record, and he is proud of his record of never having killed a prisoner; and

Whereas, Captain Flanagan has seen the Texas Penal System grow from one of 3,000 population to more than 7,000 population; and

Whereas, For the past thirty years Captain Flanagan has been manager of the Central Farm where he has become known as the "Grand Old

Man" of the Texas Prison System; now, therefore, be it

Resolved By the Senate of the State of Texas that this body extend to Captain Flanagan its appreciation for his many years of valiant and honorable service to the State of Texas and its best wishes for the future of Captain Flanagan who is such an outstanding example of a man who has devoted his life to the service of the State of Texas; and be it further

Resolved, That a copy of this resolution be forwarded to Captain Buck Flanagan.

The resolution was read and was adopted.

Senate Concurrent Resolution 34

Senator Bracewell offered the following resolution:

S. C. R. No. 34, Providing for a joint session of the Legislature at 11:00 o'clock a.m., April 27th, 1949, to hear an address by the Honorable William C. Bullitt.

Whereas, The Honorable William C. Bullitt, in response to the invitation extended him to address the Legislature, has made it known that he can conveniently deliver the address on April 27, 1949; therefore, be it

Resolved by the Senate, the House of Representatives concurring, that a joint session of the two houses be held at 11:00 o'clock a.m. on Wednesday, April 27th, 1949, to hear the address by Mr. Bullitt, and that a committee of three members of each house be appointed to escort him to the joint session.

On motion of Senator Bracewell and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 428 on First Reading

Senator Carney moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin
Ashley

Bracewell
Bullock

Carney	McDonald
Colson	Moffett
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert
Martin	

Absent

Bell	Kelley of Hidalgo
Cousins	Morris
Hudson	

Absent—Excused

Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Carney:

S. B. No. 428, A bill to be entitled "An Act to amend Article 7583 of the Revised Civil Statutes of Texas, 1925, as heretofore amended by Chapter 49 of the Acts of the Forty-fourth Legislature, Regular Session, 1935, and declaring an emergency."

To Committee on Civil Jurisprudence.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
March 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill 365, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,
March 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill 370, have had same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Austin, Texas,
March 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill 38, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Austin, Texas,
March 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred House Bill 36, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 377, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and not be printed.

TYNAN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 320 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 109 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 406 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 332 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 334 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Senator Taylor submitted the following reports:

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 419 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 134 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof.

TAYLOR, Chairman.

C. S. S. B. No. 134 was read first time.

Senate Bill 24 Set as Special Order

Senator Moffett moved that Senate Bill No. 24 be set as a special order for Tuesday, April 5, 1949, immediately following the morning call.

Senator Lane moved that S. B. No. 24 be set as a special order for Tuesday, April 19, 1949, immediately following the morning call.

Question first recurring on the motion of Senator Lane, it was lost by the following vote:

Yeas—9

Aikin	Hazlewood
Ashley	Lane
Bell	Martin
Hardeman	McDonald
Harris	

Nays—20

Bracewell	Lock
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Shofner
Cousins	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Proffer

Absent—Excused

Moore

Question then recurring on the motion of Senator Moffett, it prevailed by the following vote:

Yeas—22

Bracewell	Carney
Bullock	Colson

Corbin	Moffett
Cousins	Morris
Harris	Phillips
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lock	Vick
Martin	Weinert

Nays—7

Aikin	Hazlewood
Ashley	Lane
Bell	McDonald
Hardeman	

Absent

Proffer

Absent—Excused

Moore

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

The House has concurred in Senate amendments to House Bill No. 90 by vote of 118 yeas, 0 nays and 4 present not voting.

The House has adopted the Conference Committee Report on Senate Bill No. 121 by a vote of 114 yeas, 3 nays and 2 present and not voting.

H. C. R. No. 37, Granting B. L. Morris et al. permission to sue the State.

H. B. No. 2, A bill to be entitled "An Act creating the Southwestern Medical College of the University of Texas; fixing its location; authorizing the Board of Regents of the University of Texas to accept on behalf of the State of Texas certain real, personal and mixed property in the City of Dallas; providing for the opinion of the Attorney General on the title to such property; constituting the Southwestern Medical College of the University of Texas a branch of the University of Texas; placing the operation and control of such College in the Board of Regents of the University of Texas; providing standards of operation of said College; constitut-

ing members of the staff of said College members of the faculty of the University of Texas; providing for the conferring of appropriate degrees on present and former students of Southwestern Medical College and on future students of Southwestern Medical College of the University of Texas; authorizing the Board of Regents of the University of Texas to fix tuition and fees; appropriating such tuition and fees to said College; directing the Board of Regents to plan for, construct and initially equip buildings necessary for the conduct of said College; directing the Board of Regents to set aside sites appropriate for hospitals, laboratories, research buildings, dormitories, residences and other improvements necessary for the conduct of such College; authorizing the Board of Regents of the University of Texas to lease, sell or otherwise dispose of such sites for the encouragement of research and teaching at such College; authorizing employment of architects and engineers; prohibiting disposition of properties conveyed to the Board of Regents of the University of Texas otherwise than for the purpose of promoting research and teaching at such College; authorizing the Board of Regents to accept and administer grants or gifts of property in aid of research and teaching at such College; making appropriations for buildings, equipment, maintenance and operation of said College; providing a saving clause and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act providing for the establishment of a Medical Branch of The University of Texas in San Antonio or Bexar County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus Federal Property for said Medical Branch; authorizing the Board of Regents to contract with other agencies for hospital and other facilities needed for the proper conduct of the activities of said Medical Branch; appropriating for the remodeling of buildings acquired under provisions of this Act, a sum of One Hundred Thousand Dollars (\$100,000) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; appropriating for equipment, operation and maintenance of said Medical Branch, a

sum of Four Hundred Thousand Dollars (\$400,000) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; empowering the Board of Regents of The University of Texas to supplement these appropriations from the Available Fund of The University of Texas, if necessary; authorizing and empowering the Board of Regents of The University of Texas to accept gifts, donations, and bequests to further the purposes of this Act; providing a saving clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act creating Lamar State College of Technology at Beaumont, Texas; providing for work at said college suitable to a College of Technology of the first class; providing for courses of study to be offered; providing for the organization, control and management thereof, the appointment of a Board of Regents and the selection of a president; providing for the granting of appropriate degrees and giving of special courses in certain subjects; providing for the acquisition of additional land where necessary for the enlargement of the work of said college; granting to said college the right of eminent domain; empowering the Board of Regents to accept donations, gifts and endowments and the conditions thereof; requiring biennial reports to the Legislature; making an appropriation for said college; providing that the college hereby created shall not institute or offer any education courses herein provided for unless and until suitable arrangements are made with the Lamar Union Junior College District of Jefferson County, Texas, for the acquisition or use by gift of its corporeal properties and facilities; providing all necessary details to accomplish the purpose of this Act; repealing all laws and parts of laws in conflict with this Act; providing a savings clause; and declaring an emergency."

H. B. No. 393, A bill to be entitled "An Act to facilitate and encourage the distribution of electric energy to the inhabitants of the small towns, villages and rural areas of the State of Texas by providing that lines for the transmission and transportation

of electric energy may be constructed, erected and maintained on the right-of-way of roads and highways outside the corporate limits of cities and towns and providing that such lines may be constructed, erected and maintained within the corporate limits of a city or town with the consent and under the direction of its governing body; and providing adequate standards of construction for the safety of the public; repealing all laws and parts of laws in conflict herewith; containing the severability clause; and declaring an emergency."

H. B. No. 428, A bill to be entitled "An Act to require all State Boards, agencies and bureaus that spend State money, all policy forming Boards, and all boards created or provided for by the Legislature to hold open meetings at all times, except where otherwise expressly provided by law, and to permit representatives of the press to attend such meetings, and requiring notice of all regular and special meetings to be given to the press and to all newspapers located in the city or town at which said meeting is held, said Act to apply to all meetings, whether regular or special, and repealing all laws or parts of laws in conflict herewith; providing for forfeiture of office for violation; providing a savings clause; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act creating Sabine River Authority; providing for the appointment of a Board of Directors; prescribing powers and duties of the Authority; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 361, A bill to be entitled "An Act amending Section 2, Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, page 757, by adding to said section authority for the Comptroller to authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes, providing rules and regulations relating thereto, amending Section 3 of Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, and the amendments thereto prescribing the duties of the State Treasurer in invoicing, distributing and handling stamp metering machines, and declaring an emergency."

H. B. No. 691, A bill to be entitled "An Act creating a co-educational institution of higher learning in the City of Denton, Denton County, Texas, to be known as North Texas State College; providing for the creation of a governing board to be appointed by the Governor and confirmed by the Senate with residential limitations as to board members and their length of term of office; providing for the filling of vacancies occurring on the governing board and removal for certain causes; providing for the qualifying of appointees to the board, and its organization; providing for the work and activities to be pursued in said College, and subject to actions of the governing board; providing for the transfer of management and control of North Texas State Teachers College to North Texas State College; providing the transfer of all rights, obligations, properties, and appurtenances now belonging to North Texas State Teachers College shall pass to North Texas State College on September 1, 1949; providing all powers, duties, rights, obligations and functions of the Board of Regents of the State Teachers Colleges as these relate to North Texas State Teachers College shall be vested in the Board of Regents of North Texas State College; providing that all appropriations, grants, property and any thing of value owned in the name of or appropriated to North Texas State Teachers College shall by this Act pass to North Texas State College, and there be subject to its governing board as provided by law; providing a repealing clause, savings clause, and declaring an emergency."

S. C. R. No. 10, Authorizing the State Board of Control to enter into a contract with the San Jacinto Museum of History Association regarding the care, custody, and control of the San Jacinto Memorial Tower on the San Jacinto Battlefield, etc.

H. C. R. No. 55, Directing the Enrolling Clerk of the House to hold House Concurrent Resolution No. 50.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 29 Set as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 29 be set as a

special order for Wednesday, March 30, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Martin
Bullock	Moffett
Carney	Morris
Colson	Shofner
Corbin	Taylor
Harris	Tynan
Hazlewood	Vick
Hudson	Weinert

Nays—5

Hardeman	Phillips
Lane	Strauss
McDonald	

Absent

Cousins	Proffer
Lock	

Absent—Excused

Moore

Committee Substitute Senate Joint Resolution 4 Set as Special Order

Senator Harris moved that C. S. S. J. R. No. 4 be set as a special order for Friday, April 1, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Ashley	Lane
Bullock	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Morris
Harris	Phillips
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—5

Bracewell	Taylor
Carney	Weinert
Shofner	

Absent

Bell	Proffer
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Absent—Excused

Moore

Senate Bill 100 Recommitted

Senator Weinert moved to recommit Senate Bill No. 100 to the Committee on Commerce and Manufacturing.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kelly of Tarrant
Ashley	Lane
Bracewell	Lock
Colson	Martin
Corbin	Moffett
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Kelley of Hidalgo	Weinert

Nays—9

Bell	McDonald
Bullock	Morris
Carney	Phillips
Hazlewood	Vick
Jones	

Absent

Proffer

Absent—Excused

Moore

Motion to Set

Senate Bill 328 as Special Order

Senator Vick moved that Senate Bill No. 328 be set as a special order for Monday, April 11, 1949, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—18

Aikin	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	McDonald
Carney	Moffett
Hardeman	Morris
Harris	Phillips
Hudson	Tynan
Jones	Vick

Nays—10

Ashley	Corbin
Colson	Hazlewood

Lock
Martin
Shofner

Strauss
Taylor
Weinert

Absent

Cousins

Proffer

Absent—Excused

Moore

Bills Ordered Not Printed

On motion of Senator Bracewell, it was ordered that H. B. No. 334 be not printed.

On motion of Senator Harris, it was ordered that Senate Bill No. 38 be not printed.

On motion of Senator Taylor, it was ordered that Senate Bill No. 134 be not printed.

Senate Bill 69
with House Amendments

Senator Tynan called S. B. No. 69 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Tynan moved that the Senate do not concur in the House amendments to the bill but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Aikin, Phillips, Tynan, Hudson and Colson.

Senate Bill 429 on First Reading

Senator Morris moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Colson
Ashley	Corbin
Bell	Hardeman
Bracewell	Harris
Bullock	Hazlewood

Hudson	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick
Moffett	Weinert

Absent

Carney	Cousins
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Absent—Excused**Moore**

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Morris:

S. B. No. 429, A bill to be entitled "An Act to amend Article 4929 of the Revised Civil Statutes of 1925, requiring the present provisions thereof to be incorporated in certain fire insurance policies hereafter to be issued; and declaring an emergency."

To Committee on Insurance.**Bill and Resolution Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

S. B. No. 121, A bill to be entitled "An Act making an appropriation from the General Revenue Fund of the State of Texas, not otherwise appropriated, to supplement the regular appropriation of the State Department of Education; etc., and declaring an emergency."

S. C. R. No. 10, Authorizing the State Board of Control to enter into a contract with the San Jacinto Museum of History Association for the continuance of the museum until otherwise provided for by the Legislature.

**Committee Substitute
Senate Bill 71 on Second Reading**

The President laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

C. S. S. B. No. 71, A bill to be entitled "An Act to amend Acts of the 50th Legislature, page 550, Chapter 325, providing a Civil Service System

for firemen and policemen in all cities having a population of ten thousand (10,000) inhabitants or more; requiring and regulating competitive examinations and classification of applicants for classification and employment as firemen or policemen; regulating such employments; providing a repealing and savings clause; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend Committee Substitute Senate Bill 71, page 2, line 35, of the printed bill, by changing the comma to a period and striking out the balance of line 35 and all of line 36.

Senator Vick moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—11

Aikin	Lane
Carney	Moffett
Colson	Morris
Hardeman	Taylor
Harris	Vick
Jones	

Nays—14

Bell	Kelly of Tarrant
Bracewell	Martin
Bullock	McDonald
Corbin	Proffer
Hazlewood	Shofner
Hudson	Tynan
Kelley of Hidalgo	Weinert

Absent

Ashley	Phillips
Cousins	Strauss
Lock	

Absent—Excused**Moore**

Question recurring on the amendment, it was adopted.

Question—Shall the bill be passed to engrossment?

(Senator Aikin in the Chair)

House Bills on First Reading

The following bills, received from the House, were read first time and referred to the committees indicated:

H. B. No. 467, to Committee on State Affairs.

H. B. No. 52, to Committee on Finance.

H. B. No. 428, to Committee on State Affairs.

H. B. No. 393, to Committee on Civil Jurisprudence.

H. B. No. 2, to Committee on Finance.

H. B. No. 5, to Committee on Finance.

H. C. R. No. 37, to Committee on Civil Jurisprudence.

H. B. No. 691, to Committee on Education.

H. B. No. 361, to Committee on State Affairs.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
March 29, 1949.

To the Members of the 51st Legislature:

In my budget message of February 15, I suggested that there are certain loopholes and inconsistencies in our existing tax structure which are costing the State millions of dollars a year.

I advised that I would bring these matters to your attention as quickly as the full facts were developed.

I now submit to you this information on the administration of the 1% Motor Vehicle Sales Tax now collected under Article 7047K, V. A. C. S.

In its report on November 15, 1948, the State Tax Board reported on this matter as follows:

"The Comptroller's office has made investigations and found that the State is losing an enormous amount of revenue on incorrect affidavits filed on the 1% Motor Vehicle Sales Tax. Article 7047K, V. A. C. S. provides that the purchasers of new and used cars, buses and trucks shall pay a tax of 1% upon the true and correct consideration paid for the motor vehicle. Cases have been found where the motor vehicle dealers had prepared the affidavits, showing market

values taken from a "blue book." Others have omitted or understated the trade-in values. The Board has had these matters brought to their attention, and hereby recommends that the car dealer or seller be required by law to sign these affidavits with the purchaser, and that they both be subject to penalties for violation of this law. Also, the records of the automobile dealers, as well as those of the lending agencies be kept for two years, and that they be subject to the inspection by the Assessor-Collector and the State Comptroller and the State Comptroller's auditors. The Board recommends that the Legislature give consideration to these recommendations, and that they pass them as soon as possible."

A bill has now been drawn which is designed to carry out these recommendations and under the authority of Section 5 of Article III of the Constitution of Texas, I submit this as a subject for emergency legislation.

It is difficult to arrive at definite figures as to the increased revenue to the State which would follow the enactment of this bill, but I am informed that the minimum amount would probably be a quarter of a million dollars.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Adjournment

Senator Phillips moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Ashley	Lock
Bracewell	Martin
Colson	McDonald
Corbin	Phillips
Cousins	Shofner
Harris	Taylor
Hudson	Weinert
Kelley of Hidalgo	

Nays—13

Aikin	Hazlewood
Bell	Jones
Bullock	Kelly of Tarrant
Carney	Moffett
Hardeman	Proffer

Strauss Vick
Tynan

Absent

Lane Morris

Absent—Excused

Moore

Accordingly, the Senate at 11:45 o'clock a.m., adjourned until 10:00 o'clock a.m. tomorrow.

FORTY-SECOND DAY

(Wednesday, March 30, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Shofner, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,
March 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 357 have had the same under consideration, and I am instructed to report

it back to the Senate, with the recommendation that it do not pass but that Committee Substitute do pass in lieu thereof with amendment and be printed.

KELLEY of Hidalgo, Chairman.

C. S. S. B. No. 357 was read first time.

Austin, Texas,
March 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 359 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
March 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 7 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended, and be printed.

HARDEMAN, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,
March 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 422 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
March 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 426 have had the same under consideration, and I